

REMARKS

Claims 1-24 and 40-47 were pending at the time of the last Office Action. Applicant has amended claims 1, 10, and 22 and has neither canceled any claims nor presented any new claims. Thus, claims 1-24 and 40-47 are still pending.

The Examiner has rejected claims 1-24 and 40-47 under 35 U.S.C. § 102(e) as being anticipated by O'Brien. Applicant respectfully disagrees.

In the response to the Office Action of October 4, 2007, applicant amended claims 1-24 and 40-47 to make it clear that the "definition of the element," "a first condition and a first layout for the definition of the element" and "a second condition and a second layout for the definition of the element" are included in "a display description file."

In that response, applicant explained that O'Brien describes that a user can define rules for formatting that are stored separately from the content to which the rules are to be applied and that the rules are common in the sense that they are applied to many different sources of content. O'Brien's rules are stored in a "design data set" that

can be used with a range of different source contents 110." "This allows one design data set 130 to be used in the Publishing Engine 140 of any number of works which may form a consistent series. For example, a series of books produced by a single academic textbook publisher can all be produced using the same design data set 130, resulting in a whole series of works which conform to a single style.

(O'Brien, 18:20-29.)

It is the Examiner's position that O'Brien's "page" is a file that contains a definition of an element and a first condition and first layout and a second condition and a second layout. To support his position, the Examiner points to the following description in O'Brien:

the present invention provides an iterative method of laying out elements on a page for printing or online display, wherein the page includes content and design, said content including a plurality of different type and graphical elements, and said design including a rule associated with a particular type or graphical elements

(O'Brien, 6:27-32, emphasis added.) The Examiner states that

O'Brien does teach the rules (said design including a rule associated with a particular type of graphical element) are included in a "display description file" (the page includes content and design) that includes "a definition of an element" (said content including a plurality of different type and graphical elements) to which the rules apply (said rule defining a scoring system which defines a score dependent on a degree of conformance to said rule...scoring resulting layout according to the rule included in the design) [Col. 6, lines 23-43].

(Office Action, May 14, 2008, pp. 11-12.)

The Examiner misunderstands what O'Brien means by "the page includes content and design." O'Brien's "page" is not a file. Rather, a page is a unit of output for displaying or printing. According to O'Brien, "pages will be seen as but one example of a display space. The page size and other formatting information is specified in the design data set." (O'Brien, 18:58-61.) O'Brien's Figures 9a-9h illustrate "pages" with different layouts. "FIG. 9a shows the initial layout of the elements on the page after the entire content data set has been sized." (O'Brien, 19:27-28.)

O'Brien's statement that "the page includes content and design" means that the layout of the page will reflect the particular content and design. Clearly, a page that is generated does not include "a rule associated with a particular type or graphical elements." Rather, the page could only represent the effect of applying a rule.

It is also the Examiner's position that O'Brien's rules are identical to the claimed "first condition and first layout" and "second condition and second layout" such that an element is displayed in accordance with the first rule when its condition is satisfied and

accordance with the second rule when its condition is satisfied. The Examiner again misunderstands O'Brien. None of O'Brien's rules include a condition and a layout. Although O'Brien does mention that one rule has a condition, the rule specifies to award points to a page when its layout satisfies the condition of the rule. (O'Brien, 18:30-36.) The rule does specify different conditions and different layouts. Figure 8b of O'Brien illustrates other rules such as "align to top of page." None of these other rules has a condition and a layout.

In rejecting claim 22, the Examiner relies upon O'Brien at 16:45-67 as describing "the layout that specifies a table further specifies a cell within the table for a child element and another cell for another child element is to be automatically selected." (Office Action, May 14, 2008, pp. 11-12.) Referring to O'Brien's Figure 12c, this relied-upon portion relates to whether the shadow should span all the cells of the table. The relied-upon portion is thus unrelated to which child elements are stored in which cells of a table.

Applicant has amended claims 10 and 22 to be in independent form and include the language of its base claim and intervening claims. These claims recite that the layout "further specifies a cell within the table for a child element and another cell for another child element is to be automatically selected." Because the relied-upon portion of O'Brien does not describe what child elements are stored in what cells, O'Brien cannot anticipate these claims.

Based upon the above amendments and remarks, applicant respectfully requests reconsideration of this application and its early allowance. If the Examiner has any questions, or believes a telephone conference would expedite prosecution of this application, the Examiner is encouraged to call the undersigned at (206) 359-8548.

Please charge any deficiencies or credit any overpayment to our Deposit Account No. 50-0665, under Order No. 418268006US from which the undersigned is authorized to draw.

Dated: November 14, 2008

Respectfully submitted,

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